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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,426	08/27/2003	Tadahiro Ishizaka	010986.52734US	3993

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EXAMINER
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MOORE, KARLA A

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,426

Applicant(s)

ISHIZAKA ET AL.

Examiner

Karla Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,108,190 to Nagasaki in view of European Patent Publication No. 1 052 309 A2 to Bondestam et al.

4. Nagasaki discloses a processing apparatus substantially as claimed and comprising: a placement stage (Figures 1a and 1b, 3; column 2, rows 55-60) made of ceramics or a metal matrix composite for location inside a process chamber that an object (W) to be processed is placed thereon; a heating device (6; column 2, rows 63-64) incorporated into the placement stage; a support member (11; column 3, rows 12-17) made of a metal matrix composite for supporting said placement stage; and a cooling mechanism (column 1, rows 40-44 and column 3, rows 49-52) located in the vicinity of the support member.

5. However, while Nagasaki does teach that the support member may be joined to the metallic walls of a processing chamber (column 3, rows 49-52), Nagasaki fail to explicitly teach the processing apparatus comprising a process chamber made of metal for applying a process to an object to processed

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placed in the process chamber by supplying a process gas to the object to be processed and a seal member located between said support member and a wall surface of said process chamber.

6. Bondestam et al. teach a processing apparatus comprising a process chamber/wall (multiple part numbers: Figure 3, 9 and 10; abstract) for applying a process to an object to be processed placed in the process chamber by supplying a process gas (abstract) to the object to be processed and a seal member (see paragraph 37) located between a movable support member (18) and a wall of said process chamber. The support member is formed as part of a wall (a bottom plate) of said process chamber (see Figure 3). The apparatus is provided as such for the purpose of improving the cleanliness of the substrate load chamber and reducing the degree of substrate contamination (abstract).

7. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a processing apparatus comprising a process chamber, movable support member and sealing means in Nagasaki in order to improve the cleanliness of the substrate load chamber and reduce the degree of substrate contamination as taught by Bondestam et al.

8. With respect to claim 2, said support member is joined to a surface of said placement stage opposite to a surface on which the object to be processed is placed (see Figures 1a and 1b).

9. With respect to claim 3, said support member has a substantially flat shape, and an entire surface of said placement stage opposite to a surface on which the object to be processed is placed is joined to a flat surface of said support member (via braze material 9; see Figures 1a and 1b). Examiner notes that in Figures 1a and 1b there is a miniscule portion of the area of the support member that does not *appear* to be joined to the surface of the placement stage; however, Nagasaki teaches that the braze material is chosen to increase the heat transfer characteristic between the support member and the placement stage (column 4, rows 29-32). Therefore, it would have been obvious to one of ordinary skill in the art that the more area covered by the heat transfer material the better the heat transfer characteristic would be.

10. With respect to claim 5, in Bondestam et al., said support member is formed as part of a wall (a bottom plate) of said process chamber (see Figure 3).

11. With respect to claim 6, Nagasaki teaches that said cooling means includes a coolant passage formed in said support member (column 1, rows 40-44 and column 3, rows 49-52).

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12. With respect to claim 7, Bondestam et al., teach that a cooling mechanism may include a passage formed in a wall of said process chamber in order to establish a cool zone between two hot spots (paragraph 35).

13. With respect to claim 8, said support member in Nagasaki is joined to said placement stage by blazing (column 4, rows 16 and 17).

14. With respect to claim 9, as noted above, in Bondestam et al. the support member is in the vicinity of the seal member. Thus, a cooling mechanism in Nagasaki that is located in the vicinity of the support member would also be in the vicinity of the seal member.

#### ***Response to Arguments***

15. Applicant's arguments filed 30 June 2005 have been fully considered but they are not persuasive.

16. Bondestam et al. clearly teach/disclose that the said support member is movable to a position wherein it seals the chamber. Thus, it acts as a wall portion. Bondestam et al. also clearly state motivation (improved cleanliness and a reduced degree of substrate contamination) for providing an apparatus structured as such. See abstract and paragraphs 59-61. In response to applicant's argument that the applied references are not properly combinable, Examiner notes that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Further, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as noted above motivation can be found in Bondestam.

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**Conclusion**

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karla Moore whose telephone number is 571.272.1440. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

km

12 September 2005

  
Parviz Hassanzadeh  
Supervisory Patent Examiner  
Art Unit 1763